

SCOTT N. SCHOOLS (SCBN 9990)
United States Attorney

DOUGLAS SPRAGUE (CSBN 202121)
Chief, Criminal Division

DENISE MARIE BARTON (MABN 634052)
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102
Telephone: (415) 436-7359
Facsimile: (415) 436-7234
denise.barton@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	CR No. 03-07-70348 BZ
)	
Plaintiff,)	STIPULATION AND [PROPOSED] ORDER
)	EXTENDING THE TIME LIMIT FOR THE
v.)	PRELIMINARY HEARING AND
)	EXCLUDING TIME
GILSON ARAUJO aka GILVAN)	
LEANDRO THOMAZELE,)	
)	
Defendant.)	
_____)	

On June 22, 2007, the parties appeared before the Court and stipulated that time should be excluded from the Speedy Trial Act calculations from June 22, 2007 through July 10, 2007. Further, counsel for the defendant waived the defendant's right to a preliminary hearing within 20 days, pursuant to Fed. R. Crim. P. 5.1(c), (d).

The parties now stipulate and request that the Court enter an Order that the Preliminary Hearing be removed from the July 10, 2007 calendar and be continued until July 30, 2007 and that time should be excluded from the Speedy Trial Act calculations from July 10, 2007 through July 30, 2007 for effective preparation of counsel.

STIPULATION AND [PROPOSED] ORDER EXTENDING THE TIME LIMIT FOR THE PRELIMINARY HEARING AND EXCLUDING TIME- CR 03-07-70348 BZ

1 The Government is in the process of preparing and providing discovery to the defendant.
2 Further, counsel for the Government and defense counsel are currently discussing pre-indictment
3 resolution of this matter. Finally, counsel for the defendant does not believe it is within his
4 client's best interest to hold a preliminary hearing within 10 days, pursuant to Fed. R. Crim. P.
5 5.1(c),(d). The parties represent that granting this continuance is necessary for effective
6 preparation of counsel to permit defense counsel to review discovery and to afford counsel time
7 to discuss pre-indictment resolution, taking into account the exercise of due diligence. See 18
8 U.S.C. § 3161(h)(8)(B)(iv).

9 IT IS SO STIPULATED.

11 SCOTT N. SCHOOLS
12 United States Attorney

13 DATED: July 9, 2007

14 /s/
DENISE MARIE BARTON
15 Assistant United States Attorney

16 DATED: July 9, 2007

17 /s/
ALAN DRESSLER
18 Attorney for GILSON ARAUJO aka
GILVAN LEANDRO THOMAZELE

19
20 **IT IS SO ORDERED.**

21 The Preliminary Hearing shall be removed from the July 10, 2007 calendar and be
22 continued until July 30, 2007. For the reasons stated above, the Court finds that the ends of
23 justice served by the continuance outweigh the best interests of the public and the defendant in a
24 speedy trial and that time should be excluded from the Speedy Trial Act calculations from July
25 10, 2007 through July 30, 2007 for effective preparation of counsel. See 18 U.S.C.
26 §3161(h)(8)(A). The failure to grant the requested continuance would deny the defendant
27 effective preparation of counsel, taking into account the exercise of due diligence, and would
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1 result in a miscarriage of justice. See 18 U.S.C. §3161(h)(8)(B)(iv).

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4 DATED: _____

Honorable James Larson
United States Magistrate Judge

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HEARING AND EXCLUDING TIME- CR 03-07-70348 BZ